

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-3 and 16-19 are now pending. Claims 4-15 have been cancelled without prejudice or disclaimer of the subject matter set forth therein. New dependent claims 16-19 have been added. Applicant has amended claim 1 to clarify the features recited therein.

Claim Objections

In reply to the claim objection based on the informalities identified on page 2 of the Office Action, Applicant has made the appropriate correction to claim 1. Accordingly, Applicant respectfully requests that the claim objections be withdrawn.

Prior Art Rejection

Claims 1-3 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Udagawa* (U.S. Patent 5,576,762) in view of Applicant's admitted prior art.

As amended, independent claim 1 recites an electronic camera comprising: an imaging device which captures a sequence of images of an object and outputs image signals for said sequence of images at a rate defined by an imaging cycle of said imaging device, the imaging cycle defining a maximum exposure period for said imaging device; a changing device which changes the cycle of the imaging device, thereby changing the maximum exposure period for the

imaging device; a display; and a controller which controls the display to display the sequence of images according to the image signals while the imaging device is capturing subsequent images, such that the display shows a live image to enable determination of an image-capturing angle of view.

As described for example at page 9, lines 13-20, this claimed arrangement, which changes the rate of reading image signals from the imaging device, enables the exposure time of the imaging device to be set longer than the previously-set maximum period so that the image sequence output to the display has suitable brightness even if the object is dark. One benefit of such an arrangement is allowing the user to determine the image-capturing angle of view before recording a still image.

The primary reference, *Udagawa*, discloses a solid-state image pickup device, and more particularly discloses an imaging arrangement embodiment utilizing a floating-gate-array (FGA) type image pickup element. Col. 4, line 10. As described in the Background section of *Udagawa*, such an arrangement utilizes a reset pulse to periodically discharge electric charges during generation of an imaging sequence (e.g., a video sequence for an NTSC system). As evident from col. 2, lines 13-32, the disclosure of *Udagawa* is concerned with addressing a problem of "reset fluctuation," which degrades image quality. The disclosed arrangement of *Udagawa*

addresses this drawback of a conventional FGA type imaging element by adjusting the pulse width of a reset pulse. *Udagawa* varies shutter speed based on the illumination state of the object.

The applied reference, however, fails to disclose or suggest an arrangement in which the imaging cycle of the imaging device is varied to change the maximum exposure period for the imaging device. In fact, the discussion of the type of camera arrangement to which the modification of *Udagawa* is applied at col. 1, line 62 - col. 2, line 12 suggests that a maximum exposure period is fixed (e.g., at 1/60 second), allowing a maximum shutter speed of 1/60 second for all images.

The prior art discussed on pages 1-2 of the present application fails to make up for this deficiency and also relies on a fixed video rate, and, thus, a fixed maximum exposure period (e.g., 1/60 second for an NTSC signal). See e.g., p. 1, lines 14-16.

To establish *prima facie* obviousness, all claim limitations must be taught or suggested by the prior art and the asserted modification or combination of prior art must be supported by some teaching, suggestion, or motivation in the applied reference or in knowledge generally available to one skilled in the art. *In re Fine*, 837, F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Thus, "[a]ll words

in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). The prior art must suggest the desirability of the modification in order to establish a *prima facie* case of obviousness. *In re Brouwer*, 77 F.3d 422, 425, 37 USPQ2d 1663, 1666 (Fed. Cir. 1995). It can also be said that the prior art must collectively suggest or point to the claimed invention to support a finding of obviousness. *In re Hedges*, 783 F.2d 1038, 1041, 228 USPQ 685, 687 (Fed. Cir. 1986); *In re Ehrreich*, 590 F.2d 902, 908-09, 200 USPQ 504, 510 (CCPA 1979).

In view of the above, Applicant respectfully submits that the asserted combination of *Udagawa* and Applicant's admitted prior art (assuming that these teachings may be combined, which Applicant does not admit) fails to establish *prima facie* obviousness of independent claim 1, or any claim depending therefrom.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 103.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below,

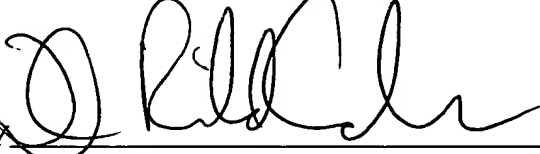
Appl. No. 09/440,624

to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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